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PTO/SB/05 (08-00) (modified)

Approved for use through 9/30/2001, OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

**NEW UTILITY
PATENT APPLICATION
TRANSMITTAL**

(only for new nonprovisional applications under
37 CFR 1.53(b))

Attorney Docket Number

18864-04962US

First Named Inventor

Robert J. Bernardi

Title

Auto-Adjust Noise Canceling
Microphone With Position Sensor

Express Mail Label No.

EL566201029US

APPLICATION ELEMENTS

1. ☒ Fee Transmittal Form (in duplicate)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27
3. ☒ Specification Total Pages **47**
(preferred arrangement set forth below)
 - Descriptive Title of the Invention
 - Cross Reference(s) to Related Case(s)
 - Statement Regarding Fed sponsored R & D
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawing(s)
 - Detailed Description
 - Claim or Claims
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) Total Sheets **8**
5. Oath or Declaration
 - a. ☒ New Declaration and Power of Attorney Total Pages **3**
☒ Unexecuted
 - b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ACCOMPANYING APPLICATION PARTS

7. ☐ Assignment Papers (cover sheet & document(s))
8. ☐ Certified Copy of Priority Document(s) (if foreign priority
is claimed)
9. ☐ Power of Attorney or Authorization of Agent
10. ☐ 37 CFR 3.73(b) Statement
11. ☐ Preliminary Amendment
12. ☐ Information Disclosure Statement & PTO-1449
☐ Copies of IDS Citation(s)
13. ☒ Nonpublication Request under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form
PTO/SB/35 or its equivalent
14. ☒ Return Postcard
15. ☐
16. ☐
17. ☐

ADDRESS TO:

**Box Patent Application
Commissioner for Patents
Washington, D.C. 20231**

18. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information below and in a preliminary amendment or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: ____/____

Prior application information: Examiner: _____ Group/Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuing or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number and Bar Code Label



00758

Name (Print/Type)

Martin S.C. Loui

Registration No. (Attorney/Agent)

43,411

Signature

Martin S.C. Loui

Date

May 11, 2001

18864/04962/DOCS/1171754.1

EL566201029US

PTO/SB/17 (10-00)(modified)
 Approved for use through 09/29/01, OMB 0651-0032
 Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

0002/PTO(modified) Rev. 10/2000 FEE TRANSMITTAL TOTAL AMOUNT OF PAYMENT Subtotal (1) + Subtotal (2) + Subtotal (3) = (\$1024.00)		Complete if Known <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>Application Number</td><td>Not yet known</td></tr> <tr><td>Filing Date</td><td>May 11, 2001</td></tr> <tr><td>First Named Inventor</td><td>Robert J. Bemardi</td></tr> <tr><td>Group Art Unit</td><td>Not yet known</td></tr> <tr><td>Examiner Name</td><td>Not yet known</td></tr> <tr><td>Attorney Docket Number</td><td>18864-04962US</td></tr> </table>		Application Number	Not yet known	Filing Date	May 11, 2001	First Named Inventor	Robert J. Bemardi	Group Art Unit	Not yet known	Examiner Name	Not yet known	Attorney Docket Number	18864-04962US
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METHOD OF PAYMENT	FEE CALCULATION (continued)																																																																																																																																																																												
1. The Commissioner is hereby authorized to: <input type="checkbox"/> Charge the indicated fees to the below mentioned deposit account. <input checked="" type="checkbox"/> Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account. † <input type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27 Deposit Account Number: 19-2555 Deposit Account Name: FENWICK & WEST LLP A Duplicate Copy of this authorization is attached 2. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Other FEE CALCULATION (fees effective 10/01/2000) <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:15%;">Large Entity Fee Code/Fee</th> <th style="width:15%;">Small Entity Fee Code/Fee</th> <th style="width:40%;">Fee Description</th> <th style="width:30%;">Fee Due</th> </tr> <tr><td>101/\$710</td><td>201/\$355</td><td>Utility Filing</td><td>710</td></tr> <tr><td>106/\$320</td><td>206/\$160</td><td>Design Filing</td><td></td></tr> <tr><td>108/\$710</td><td>208/\$355</td><td>Reissue</td><td></td></tr> <tr><td>114/\$150</td><td>214/\$75</td><td>Provisional Filing</td><td></td></tr> <tr><td colspan="3">SUBTOTAL (1)</td><td>(\$ 710)</td></tr> </table> 2. 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SUBMITTED BY Typed or Printed Name Martin S.C. Loui Signature <i>Martin S.C. Loui</i>		Complete (if applicable) Reg. Number 43,411 Date May 11, 2001	
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

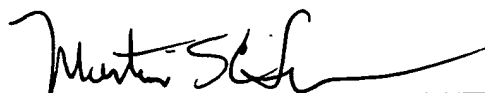
**NONPUBLICATION REQUEST
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Robert J. Bernardi
Title	Auto-Adjust Noise Canceling Microphone With Position Sensor
Atty Docket Number	18864-04962US

I hereby certify that the invention disclosed in the attached application **has not been and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

May 11, 2001

Date



Signature

Martin S.C. Loui/Reg. No. 43,411

Typed or printed name/Registration Number

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.** 18864/04962/DOCS/1171787.1

18864-04962-01